natural persons convicted under the statute involved in *State* v. *Paint Rock Coal Co.*, that case might be supported perhaps on the ground that the statute being bad as to the natural persons fails altogether. In the principal case, however, the statute, by its express terms applies only to corporations, imprisonment of which, in order to compel payment of a fine, in accordance with the general practice in case of natural persons, would be impossible; 7 AM. & ENG. ENCYC. (2nd ed.) 841; the fine against a corporation being assessed against the corporation as a political body and not against its officers, *State* v. *Barksdale,* 5 Humphr. (Tenn.) 154; *Hill* v. *State,* 4 Sneed (Tenn.) 442. The fine being enforceable, therefore, only by execution against the property of the corporation, the result of the statute is merely to impose a penalty for failing to pay a debt. The effect of the decision is to hold that the imposition of such a penalty is unconstitutional as amounting to a violation of the spirit, if not the letter, of the inhibition against imprisonment for debt.

CONSTITUTIONAL LAW.—LABOR LEGISLATION.—A statutory regulation prohibiting the employment of women in factories after ten at night and before six in the morning, was declared constitutional. *People* v. *Charles Schweinler Press* (N. Y. 1915) 108 N. E. 639.

After the decisions in *Muller* v. *Oregon,* 208 U. S. 412, and *Miller* v. *Wilson,* 35 Sup. Ct. 342, there could hardly be any doubt that the decision of the court is the correct one, but the case is especially interesting because of the decision in a prior New York case seven years ago, *People* v. *Williams,* 189 N. Y. 131. In this case a law of precisely similar nature, except that the hours were nine P. M. and six A. M., came before the court for consideration, and without a single dissent the law was declared unconstitutional, on the basis, among others, that it was discriminative against female citizens in denying them equal rights with men with respect to liberty of person or of contract, and the court used very strong language to uphold their opinion. In the instant case the more modern and progressive view is taken and the opinion is written by a judge who concurred in the former case, and whose language now just as strongly upholds the opposite view. Perhaps the wholesale criticism of this court incurred by the cases of *Ives* v. *R. R.,* 201 N. Y. 271 and *In the Matter of Jacobs,* 98 N. Y. 98 had something to do with the reversal of opinion. Suffice to say their viewpoint has materially changed for the better and now with such decisions as those in the instant case and in *People* v. *Klinck Packing Co.,* 108 N. E. 278 behind it, the court is rather to be praised for overruling itself, and adopting the newer and better view, than to be censured for the errors of the past.

CONSTITUTIONAL LAW.—NON-DISCRIMINATORY STATE REGULATION OF INTERSTATE COMMERCE.—A statute of Florida undertook to make it unlawful for anyone to ship in inter-state commerce any citrus fruits, immature and unfit for consumption. Appellant being indicted, upon appeal questions the authority of the state to enact such legislation. *Held,* the act is constitutional and a valid act of the police power falling within that class of cases in which

peculiar local conditions make state legislation, though indirectly affecting interstate commerce, lawful until Congress has acted in the matter. The court took judicial notice of the fact of the extent of this industry in the state in order to bring the case within the rule. *Sligh* v. *Kirkwood, Sheriff,* 35 Sup. Ct. 501.

Clearly the law is only an exercise of jurisdiction over people and property within the limits of the state and for its ultimate object it has the protection of the state industry rather than any direct regulation of commerce. If this be so it is not in conflict with any constitutional principle. *Southern Ry.* v. *King,* 217 U. S. 524; *Smith* v. *St. Louis, Etc., Ry.,* 181 U. S. 248. Besides the law in no wise interferes with the exportation in inter-state commerce of sound and edible fruit, which would be the only kind for consumption, recognized as the legitimate subject of trade and commerce, *Bowman* v. *Ry. Co.,* 125 U. S. 465. For this reason the case cannot be said to be within the rule of *Welton* v. *Missouri,* 91 U. S. 275, that that class of subjects which requires uniformity of regulation affecting all of the states alike and which a failure to regulate by Congress amounts to a declaration that it shall be free from state regulation, includes the transportation and exportation of commodities for the purpose of trade in any and all forms. The cases upon the power of a state to forbid the exportation of its products are few in number. The Supreme Court has upheld the power as applied to wild game, *Geer* v. *Connecticut,* 161 U. S. 519, water from the streams, *Hudson Water Co.* v. *McCarter,* 209 U. S. 349, but in *West* v. *Kansas Gas Co.,* 221 U. S. 229, the court refused to extend the doctrine to natural gas. See also *Turner* v. *Maryland,* 107 U. S. 38.

CORPORATIONS.—STOCKHOLDERS LIABLE AS PARTNERS.—In an action brought against the defendants as partners for injuries sustained because of the negligence of an employee of the corporation engaged in a business which the corporation was not authorized by law to transact, the defendants being managing stockholders, it was held that the plaintiff could recover, *Staacke* v. *Routledge* (Tex. 1915) 175 S. W. 444.

Where the business is prohibited by law the stockholders who participate therein are liable as partners, *Medill* v. *Collier,* 16 Ohio St. 599. And where the corporation was chartered in another state for a purpose not authorized by the laws of the state in which it transacted business, they are also liable, *Mandeville* v. *Courtwright,* 142 Fed. 97; *Empire Mills* v. *Alston Grocery Co.,* (Tex. Civ. App.) 155 S. W. 503, 12 L. R. A. 366. Also where the entire purpose for which the corporation was organized was unauthorized by state law, the managing stockholders are liable for injuries committed by negligence in the course of that business, *Vredenburg* v. *Behan,* 33 La. Ann. 627. There do not seem to be any cases directly in point with the principal case. In *Tenn. Automatic Lighting Co.* v. *Massey* (Tenn. Ch. App.) 56 S. W. 35, the court said that ultra vires acts by the corporation did not render the members personally liable therefor, but this case is not in point because the defendant was not even a stockholder at the time the contract was exe-